

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Stephan Christopher Pleines

SERIAL NO.: 10/582,696

FILED: March 9, 2007

TITLE: IMPROVED FERTILITY  
RESTORATION FOR OGURA  
CYTOPLASMIC MALE STERILE  
BRASSICA AND METHOD

GROUP ART UNIT: 1638

EXAMINER: Tox, David T.

ATTORNEY DOCKET NO: 70279USPCT

CONFIRMATION NO.: 7419

**REPLY TO RESTRICTION/ELECTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Election Requirement dated January 29, 2009 requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby elect to prosecute the invention of Group II, claims 12-19, 22-29, 31 and 40, drawn to a method for identifying a Brassica plant comprising a DNA fragment comprising a radish-derived restorer gene but not a high glucosinolate gene, said method comprising detecting molecular markers which are amplified by primers. This election is made without traverse.

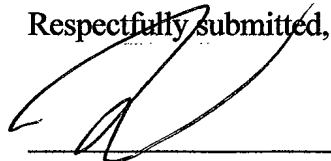
Applicants reserve their statutory right under §121 to prosecute the subject matter of the non-elected inventions in a timely-filed application.

Applicants believe there is no fee due with this response. However, the Commissioner is hereby authorized to charge any fees deemed necessary, or credit any overpayment, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham, NC 27709

Date: March 1, 2010

Respectfully submitted,



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